

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

OSCAR YANES, GAGIK MKRTCHIAN,  
and WENDELL BAEZ LOPEZ, on behalf  
of themselves and all those similarly situated,

*Petitioners-Plaintiffs,*

-v.-

DANIEL W. MARTIN, Warden, Donald  
W. Wyatt Detention Facility; CHAD F.  
WOLF, Acting Secretary, U.S. Department  
of Homeland Security; MATTHEW T.  
ALBENCE, Acting Director, U.S.  
Immigration and Customs Enforcement;  
TODD M. LYONS, Acting Field Office  
Director, U.S. Immigration and Customs  
Enforcement; and CENTRAL FALLS  
DETENTION FACILITY  
CORPORATION,

*Respondents-Defendants.*

Civil Action No.

20-CV-216-MSM-PAS

**STATUS REPORT**

Further to the Court's requests at the May 22, 2020 hearing in this matter, at which it determined that the execution of final orders of removal may proceed, and the June 5, 2020 hearing, requesting a declaration concerning ICE's procedures when an individual enters or re-enters ICE custody before removal, the Federal Respondents respectfully submit this status report, accompanied by a Supplemental Declaration of Alan Greenbaum. As the Greenbaum Declaration attests, with the exception of three detainees whose departure was deferred to June 9, 2020, all of the removals noticed for May 26<sup>th</sup> took place on the schedule originally anticipated, and in the manner described in his declaration at that time; the eight additional detainees scheduled to leave Wyatt yesterday (June 9, 2020) for final removal also did so as planned. The supplemental

Greenbaum Declaration also provides, as requested, additional logistical limitations on ICE removals on non-detained individuals.

Finally, given the pace of this litigation, for the convenience of the Court and the parties, the Federal Respondents provide a brief numeric snapshot regarding the movement of ICE detainees from Wyatt since May 19, 2020, the date on which the Court directed the Federal Respondents to provide notice of transfers out of the facility, notably of executions of final orders of removal. Specifically, as of this writing:

- 22 detainees have been removed from the Wyatt facility for the purpose of executing final orders of removal, following notice to the Court and the parties;
  - of these, 14 have been finally removed from the United States; and
  - all 8 of the detainees noticed by the government for removal on June 9, 2020, did in fact leave the facility on schedule for removal;
- 7 have been administratively released by ICE on conditions;
- 1 has been released by ICE as the result of an order in his case by an immigration judge;
- 5 have been released on bail pursuant to an order of this Court;

There are currently 36 ICE detainees who remain housed at the Wyatt, down from 71 at the inception of this case.

We thank the Court for its time and consideration in this matter.

Dated: Providence, Rhode Island  
June 10, 2020

Respectfully submitted,

AARON L. WEISMAN  
United States Attorney

By: /s/ Zachary A. Cunha  
ZACHARY A. CUNHA (Bar No. 7855)  
RICHARD B. MYRUS  
BETHANY N. WONG  
Assistant U.S. Attorneys  
United States Attorney's Office  
50 Kennedy Plaza, 8<sup>th</sup> Floor

Providence, RI 02903  
Tel: (401) 709-5040 / Fax: (401) 709-5001  
[Zachary.Cunha@usdoj.gov](mailto:Zachary.Cunha@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 10, 2020, I caused the foregoing document to be filed by means of this Court's Electronic Case Filing (ECF) system, thereby serving it upon all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rules Gen 305 and 309(b).

By: /s/ Zachary A. Cunha  
Zachary A. Cunha  
Assistant United States Attorney